

REMARKS

Claims 3-4 remain in the present application. Claim 3 has been amended.

In the Office Action dated July 6, 2004, the Examiner objected to the claims of the present application indicating that the numbering of the claims is not in accordance with 37 CFR §1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. The Examiner stated that claims 1-3 were originally filed, and that the Preliminary Amendment cancels claims 1-2 and adds 3-4, but fails to cancel the original claim 3.

Applicants wish to point out, however, that an Article 36 Amendment was filed in the International Patent Office on April 4, 2001. Pursuant to such Amendment, amended claims 1 and 2 were submitted in lieu of original claims 1-3. Thus, for purposes of prosecution in the U.S. Patent Office, Applicants respectfully submit that claims 1 and 2 as submitted in the Article 36 Amendment should be deemed "original." Moreover, the canceling of these claims 1-2 in the Preliminary Amendment, and the addition of new claims 3-4, was entirely correct. The following remarks will therefore be directed to claims 3 and 4 as presented and amended herein.

The Examiner rejected the claims of the present application under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent No. 5,703,571 to Cannon et al. For the following reasons, Applicants respectfully traverse the Examiner's rejection and respectfully request the withdrawal thereof.

First of all, Applicants respectfully submit that the Cannon reference does not, in fact, teach or suggest a method for "creating text." Conversely, Cannon merely discloses the allocation of pre-prepared text messages to different addressees. Cannon does not contemplate the actual *creation* of a text message, but rather the ability to select and transmit a single complete text message.

In addition, Applicants respectfully submit that the Cannon reference does not teach or suggest "selecting a second information unit, and creating the text upon succession of further selected second information units." The Examiner made reference to column 3, lines 9-29 and column 4, lines 4-9 of the Cannon reference for support in this regard (selecting a second information unit (canned message; i.e. "Delivery Complete"), and creating the text upon succession of the select second information unit). Applicants respectfully submit that nowhere in this section of the Cannon reference, or in the reference as a whole, is such procedure disclosed.

Indeed, Cannon does not teach or suggest successive steps by which to actually create a message. Only one complete text message is ever selected and transmitted. This is emphasized in Figure 4 of the Cannon reference wherein it is exemplified that only one message is selected (step 80) and then transmitted (step 82). While a user may have the option to review a variety of lists to find a desired text message, ultimately, only one single complete text message is ever selected and transmitted. Accordingly, Applicants respectfully submit that the Cannon reference fails to disclose this method step as included in amended independent claim 3 of the present application.

In light of the above, Applicants respectfully submit that independent claim 3 of the present application, as amended, as well as claim 4 which respectfully depends therefrom, are both novel and non-obvious over the art of record. Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case.

It is further acknowledged that a one month extension of time of \$110.00 is due in connection with this response at this time. If any additional fees are due in connection with this application as a whole, the office is hereby authorized to deduct said fees from Deposit Account No.: 02-1818. If such a deduction is made, please indicate the Attorney Docket Number (0112740-334) It is further acknowledged that a three month extension of time of \$980.00 is due in connection with this response at this time. If any additional fees are due in connection with this application as a whole, the office is hereby authorized to deduct said fees from Deposit Account No.: 02-1818. If such a deduction is made, please indicate the Attorney Docket Number (0112740-699) on the account statement.) on the account statement.

Respectfully submitted,

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BY



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Dated: November 8, 2004